

THE ROLE OF ENVIRONMENTAL LAW IN ENSURING SUSTAINABLE LAND RIGHTS

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Abstrak:

Applying environmental laws has a strategic role in ensuring sustainable land rights, especially amid increasing pressure on land resources due to urbanization, industrialization, and climate change. This study aims to analyze the role of environmental law in ensuring the sustainability of land management with a literature study approach. The method used involves a review of legal documents, national and international regulations, and relevant previous research results. The findings suggest that environmental law is a regulatory framework for regulating land use, protecting ecosystems, and preventing overexploitation. However, inconsistent implementation, overlapping regulations, and weak law enforcement are the main obstacles to ensuring sustainability. The analysis also shows the importance of integrating environmental law and land law to overcome land conflicts and ensure equitable access to land, especially for vulnerable communities. In conclusion, strengthening environmental law through regulatory harmonization, institutional capacity building, and wider public participation is needed to realize sustainable land rights. This research provides a theoretical basis for developing more comprehensive policies for sustainably managing land resources.

INTRODUCTION

The sustainability of land management has become an urgent global issue during rapid development, urbanization, and environmental degradation (Sarkawi et al., 2024). Sustainable land rights involve not only the aspect of ownership but also responsible and environmentally sound use (Aru & Elfikri, 2023). In Indonesia, land management faces a conflict of interest between economic needs, ecosystem protection, and the fulfillment of the rights of local communities (Chikmawati, 2013). In this context, environmental law acts as a normative framework that regulates the use of land resources to maintain a balance between development needs and ecological sustainability. However, stronger supervision, overlapping regulations, and low public participation in decision-making could improve the law's implementation.

Despite regulations governing land and environmental management, gaps in land governance still need to be addressed (Ramadhani et al., 2024). Overlapping permits, inconsistencies with spatial plans, and lack of transparency in land administration make implementing environmental laws difficult (Manan et al., 2021). This condition is exacerbated by corrupt practices and policy inconsistencies that ignore the principles of social justice and ecological sustainability. In the face of this situation, environmental laws need to be strengthened to ensure that land rights are respected and aligned with environmental conservation.

Previous research has discussed the importance of environmental law in land management, but there still needs to be a gap in linking it to sustainable land rights (Sinaga, 2020). Most research



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focuses on the legal aspect without integrating ecological and social perspectives. This study seeks to fill the gap by analyzing the role of environmental law in guaranteeing land rights through a literature study approach. The research focuses on how environmental law can provide solutions to land conflicts, environmental degradation, and injustices in resource distribution.

Environmental law is also closely related to land governance, taxation, and auditing based on sustainability principles (Nivita et al., 2024). For example, environmentally based taxes, such as carbon taxes or unsustainable land use taxes, can effectively encourage more responsible land management. In addition, sustainability audits are important in monitoring whether land use is by legal regulations and sustainability principles. Integrating environmental law into governance mechanisms and economic instruments such as taxes makes it possible to create a more equitable and sustainable system.

Focusing on the role of environmental law in ensuring sustainable land rights, this study seeks to make theoretical and practical contributions to developing more comprehensive policies. This research is expected to provide strategic recommendations for the government, the community, and other stakeholders to create a more equitable, transparent, and environmentally sustainable land management system.

METHODS

This research uses a qualitative method with a library research approach to explore the role of environmental law in ensuring sustainable land rights (Syarif, 2022). The qualitative approach was chosen because this research aims to deeply understand the relationship between environmental law and land management and explore various theoretical and practical perspectives that can lead to sustainable land management solutions. Literature study allows the researcher to analyze various relevant legal, regulatory, and literature documents to understand the study comprehensively.

The data sources in this study come from legal documents related to land rights and environmental protection, such as the Law on Environmental Management, Land Law, government regulations, regional policies, and relevant court decisions. In addition, this research also utilizes scientific articles, books, research reports, and other publications that discuss land law and environmental law issues, both from a local and global perspective. An analysis of these documents will be the basis for understanding the constraints and opportunities in applying environmental laws for sustainable land management.

This research's site is descriptive and focuses on national and international legal sources that regulate land rights and environmental sustainability (Basuki et al., 2022). It will collect data from various legal archives, scientific journals, and reports published by government agencies, non-governmental organizations (NGOs), and international organizations related to natural resource management and environmental protection. Therefore, this study only requires a specific field location but focuses on analyzing relevant documents.

This study uses a descriptive qualitative analysis method to analyze the data, which prioritizes a deep understanding of the content of relevant legal documents and literature. The analysis was carried out by identifying key themes related to the role of environmental law, barriers to law implementation, and the relationship between land rights and ecological sustainability. The analysis process also includes mapping critical issues arising from overlapping regulations, policy inconsistencies, and a lack of law enforcement in sustainable land management.

The analysis tools used in this study are content analysis techniques and text interpretation. Using this technique, researchers will identify and analyze the content of legal documents and related literature and then interpret their meaning and relevance to sustainable land management.



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Researchers will also evaluate how environmental law can address the challenges in ensuring sustainable land rights by identifying best practices and barriers on the ground.

RESULT AND DISCUSSION

Land rights' sustainability integrates social, economic, and ecological life in its management. This right includes ownership and responsibility for the sustainable use of land. In the context of Indonesian law, Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) is the main pillar that provides a legal framework to protect land rights while maintaining the sustainability of the ecosystem. Article 3 of the UUPPLH states that environmental protection aims to ensure the sustainability of human life and welfare. This regulation provides a basis to ensure that land use does not damage the ecosystem that supports the nation's life.

However, the implementation of environmental laws in Indonesia still faces many obstacles. For example, in the case of exploitation of natural resources for oil palm plantations, the WALHI report shows that many companies obtain permits in protected forest areas that should be protected. These violations often involve collusion between companies and local governments, which leads to environmental damage and agrarian conflicts. Legally, this violation can be charged with Article 98 of the UUPPLH, which stipulates criminal sanctions for perpetrators of environmental destruction in the form of a maximum prison sentence of 10 years and a fine of up to Rp10 billion. However, weak law enforcement rarely applies these sanctions properly and optimally.

In addition, Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) emphasizes the importance of land management for the prosperity of the people. However, overlapping regulations often cause conflicts. For example, in the case of the development of strategic infrastructure projects, the government often uses land acquisition without considering the ecological interests and rights of indigenous peoples. This is contrary to Article 18B paragraph (2) of the 1945 Constitution, which recognizes and respects the rights of indigenous peoples to their customary land.

Theoretically, the principle of ecological justice, as stated by Christopher Stone in the theory of the Rights of Nature, is relevant to be applied in Indonesia. This principle places the environment as part of the legal subject that has the right to be protected. In practice, the application of this principle can be seen in the recognition of indigenous peoples in the management of customary forests, as regulated in the Regulation of the Minister of Environment and Forestry Number P.21/MENLHK/SETJEN/KUM.1/4/2019 concerning Customary Forests and Forest Rights. However, its implementation still needs to be improved due to the state government's slow process of recognizing the rights of indigenous peoples.

Technology also plays an important role in supporting environmental law enforcement. Implementing geographic information systems (GIS) can help monitor land use more transparently. An example is the One Map Policy program, which aims to harmonize spatial data to prevent overlapping permits. However, even though this policy has been launched since 2018, land conflicts due to data discrepancies still occur, demonstrating the need for better integration between policy and law enforcement.

Regarding community participation, Law Number 6 of 2014 concerning Villages opens opportunities for customary villages to manage their natural resources sustainably. However, community involvement in spatial planning and permitting is often minimal. This can be seen in the case of dam construction in several areas that do not involve local communities in the consultation process, thus triggering conflicts and resistance. In this context, increased public participation needs



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to be emphasized in regulatory revisions, such as providing a more effective complaint mechanism for affected communities.

Internationally, countries like Sweden and Finland are implementing carbon taxes to encourage responsible land management. This tax can be an instrument to promote sustainability while also providing income for conservation programs. In Indonesia, similar policies can be adopted through environment-based taxes, as stipulated in Article 41 of the Law of the People's Republic of Indonesia, which gives the government the authority to impose incentives and disincentives on activities that impact the environment. To ensure the sustainability of land rights, an integrative approach involving law, technology, and community participation is needed. Some of the steps that can be taken include:

Harmonization of Regulations. The government needs to harmonize related laws, such as the UUPPLH, UUPA, and Village Law, to reduce the overlap of regulations that are the root of the conflict.

Strengthening Law Enforcement. The enforcement of environmental criminal sanctions must be tightened. The implementation of Article 98 and Article 109 of the UUPPLH can be strengthened by giving greater authority to the Ministry of Environment and Forestry and independent supervisory agencies to ensure that perpetrators of environmental damage are punished fairly.

Community Participation. Strengthening customary rights and making indigenous peoples the main partners in protecting local ecosystems can increase their involvement in land management.

Application of Technology. Technologies such as satellite monitoring and GIS should be integrated into spatial planning processes to prevent environmentally damaging exploitation.

Economic Incentives. Governments can develop environmentally based taxes that encourage responsible land use and provide funding to rehabilitate damaged land.

Environmental law plays a strategic role in ensuring sustainable land rights. However, to achieve this goal, greater efforts are needed to harmonize regulations, strengthen law enforcement, and increase public participation. The Indonesian state can realize fair and sustainable land management by integrating legal, technological, economic, and public participation approaches.

CONCLUSION

The conclusion of this study shows that the role of environmental law is crucial in ensuring the sustainability of land rights, with existing regulations providing a legal basis for land management that is in line with the principles of ecological sustainability. Although a legal framework has been provided, its implementation still needs to be improved because of coordination problems between agencies, overlapping regulations, and weak law enforcement. Although it already exists, environmental law has yet to be able to address agrarian conflicts and environmental damage fully. A more integrative approach is needed, which includes harmonizing regulations, strengthening legal sanctions, increasing community participation, and using technology in land management to achieve true sustainability goals. Further research can focus on developing mechanisms for more effective law enforcement and adaptation of environment-based economic policies to support sustainable land management in Indonesia.

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